

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation
Attn: Patrick Muench
719 S. Woodland Blvd.
DeLand, Florida 32720

Permit No: SAJ-2007-3614 (IP-AWP)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes direct impacts to 4.29 acres of waters of the United States (wetlands) for the widening of the proposed roadway from four lanes to six lanes. The work described above is to be completed in accordance with the 3 attachments affixed at the end of this permit instrument.

Project Location: The project is located along State Road 500 from Martin Luther King Blvd. to Lake Ella Road, in Sections 28 and 33, Township 18 South, Range 24 East, and Sections 03, 04, 10 and 15, Township 19 South, Range 24 East, Lake County, Florida. The project as proposed will impact wetlands adjacent and hydrologically connected to Lake Griffin.

Directions to site: The project is located along State Road 500 from Martin Luther King Blvd. (MLK) to Lake Ella Road.

Latitude & Longitude: Latitude: 28.8463 North
Longitude: 81.8190 West

Permit Conditions

General Conditions:

PERMIT NUMBER: SAJ-2007-3614(IP-AWP)
PERMITTEE: FDOT, District 5
PAGE 2 of 10

1. The time limit for completing the work authorized ends on **January 10, 2013**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being accomplished in accordance with the terms and conditions of your permit.

PERMIT NUMBER: SAJ-2007-3614(IP-AWP)
PERMITTEE: FDOT, District 5
PAGE 3 of 10

Special Conditions:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2007-3614(IP-AWP), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

4. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 3) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8 1/2-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the

PERMIT NUMBER: SAJ-2007-3614 (IP-AWP)
PERMITTEE: FDOT, District 5
PAGE 4 of 10

completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

5. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

6. **Compensatory Mitigation:** Within 6 months from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall complete the following objectives in accordance with the approved 2007 SJRWMD Senate Bill Mitigation Plan (Plan). Page 16 of the Plan identifies Western Basin Twelve SWIM Project Group (SJ 38) Senate Bill Plan. Specifically, habitat restoration at the North Shore Lake Apopka Restoration Area, Clay Island, and Ranch Road. Work will include ditch filling, road removal and upland buffer enhancement. At least 35 acres of wetlands and buffers will be enhanced to offset wetland impacts. In accordance with the Memorandum of Understanding between the St. Johns River Water Management District (SJRWMD) and the United States Army Corps of Engineers, Jacksonville District signed October 16, 2007 and October 9, 2007 respectively, the SJRWMD shall submit an annual status report and five year update of the mitigation described above.

PERMIT NUMBER: SAJ-2007-3614(IP-AWP)
PERMITTEE: FDOT, District 5
PAGE 5 of 10

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

PERMIT NUMBER: SAJ-2007-3614(IP-AWP)
PERMITTEE: FDOT, District 5
PAGE 6 of 10

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 329.103), accomplish the corrective measures by contract or otherwise and bill you for the cost.

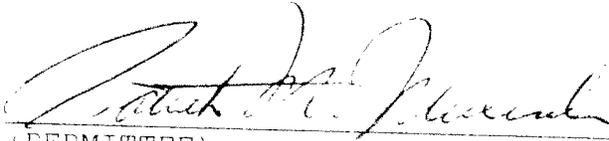
f. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this

PERMIT NUMBER: SAJ-2007-3614 (IP-AWP)
PERMITTEE: FDOT, District 5
PAGE 7 of 10

permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

PERMIT NUMBER: SAJ-2007-3614(IP-AWP)
PERMITTEE: FDOT, District 5
PAGE 8 of 10

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE)

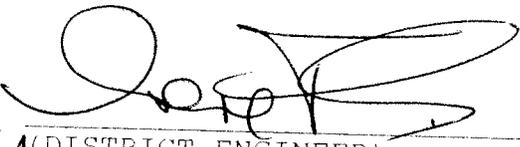
1/3/08

(DATE)

PATRICK M. MCENCH

(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)
Raul L. Grosskruger
Colonel, U.S. Army
District Commander

1/11/08

(DATE)

DEC 18 2007

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings for the Above-numbered Permit Application

1. Applicant: Florida Department of Transportation
Attn: Patrick Muench
719 S. Woodland Blvd.
DeLand, Florida 32720

2. Location, Project Description, Existing Conditions: The project is located along State Road 500 from Martin Luther King Blvd. to Lake Ella Road, in Sections 28 and 33, Township 18 South, Range 24 East, and Sections 03,04,10 and 15, Township 19 South, Range 24 East, Lake County, Florida. The project as proposed will impact wetlands adjacent and hydrologically connected to Lake Griffin.

The applicant proposes to impact 4.29 acres of waters of the United States (wetlands) for the widening of the proposed roadway from four lanes to six lanes.

One wetland system will be impacted by the proposed widening. The wetland system is classified as a mixed wetland forest. Vegetation within the wetland consists of red maple, camphor, loblolly bay, and sweetgum. Mid-story and groundcover consists of dog fennel, elderberry, royal fern, cinnamon fern and wild taro.

The system is contiguous with wetlands adjacent to Lake Griffin. The system is supplied hydrologically via ditch on the western side of the system adjacent to the wetland and the existing SR 500 corridor. Hydrology is maintained via sheetflow to the southeast toward Lake Griffin.

3. Project Purpose: Basic: Widen existing roadway.

Overall: Widen the existing SR 500 roadway between MLK Blvd. and Lake Ella Road, Lake County, Florida.

4. Scope of Analysis: The scope of analysis was limited to the project site and included endangered species, essential fisheries habitat concerns, and cultural resources.

CESAJ-RD-P (SAJ-2007-3614(IP-AWP))
SUBJECT: Department of the Army Environmental Assessment and
Statement of Findings on the Above-Numbered Permit Application.

5. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344).

6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State Permit/Certification: The St. Johns River Water Management District (SJRWMD) permit number 4-069-111547-1 was issued on 9 October 2007.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other Authorizations: No information has been received regarding any other authorizations that may be required.

7. Date of Public Notice and Summary of Comments

a. The application was received on 5 June 2007. The application was considered complete on 21 June 2007. A public notice was issued on 21 June 2007, and sent to all interested parties including appropriate State and Federal agencies. All comments received on this application have been reviewed and are summarized below:

(1) Environmental Protection Agency (EPA): Did not respond to the public notice.

(2) U.S. Fish and Wildlife Service (FWS): Did not respond to the public notice.

(3) National Marine Fisheries Service (NMFS): By letter dated 10 July 2007, the NMFS had no objection to the proposed project.

(4) State Historic Preservation Officer (SHPO): By letter dated 27 July 2007, SHPO indicated that the proposed project would have no effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, or local significance.

CESAJ-RD-P (SAJ-2007-3614(IP-AWP))

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings on the Above-Numbered Permit Application.

(5) No comments were received from State or Local agencies, organizations, individuals or any other interested party.

b. Applicant's response to the comments: The comments were not coordinated with the applicant since no adverse comments were received. The applicant was requested to provided a functional assessment, wetland minimization, pond siting analysis, and quantify wetland impact reductions.

8. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): The no action alternative would not allow for project completion. The applicant proposes to widen an existing roadway and was not asked to evaluate alternative corridors or alignments given the limited nature of impacts and overall benefits of the project to the adjacent aquatic ecosystem.

The applicant has indicated that the location and final design of Pond D has been chosen in order to best protect the natural resources of the area and under the advisement of the SJRWMD. The construction of the pond was chosen to ensure treatment of runoff prior to entering to Lake Griffin, an Outstanding Florida Water. The existing roadway does not provide stormwater management. If the applicant were to provide compensating treatment elsewhere; untreated stormwater would directly discharge into permeable wetlands and ultimately Lake Griffin.

b. Minimization (modified project designs, etc.): The project has been minimized to the maximum extent possible that would allow the applicant to achieve the project purpose. The applicant was not asked to further explore minimization alternatives beyond those already achieved, given the quality of the existing resource and the beneficial effects of the impacts.

The applicant completed a pond siting analysis for the proposed project. Several pond alternatives were considered, but due to hydraulic constraints pond D was the least damaging alternative. Pond D in it current location was the only alternative that would treat the entire basin. Other alternatives would have reduced impacts to wetlands but would not treat all runoff and would allow discharge of untreated runoff to enter Lake Griffin. SJRWMD recommended pond D because of its ability to treat the entire

CESAJ-RD-P (SAJ-2007-3614(IP-AWP))

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings on the Above-Numbered Permit Application.

basin and improve the integrity of the water entering Lake Griffin from SR 500.

Additionally, approximately 1,550 linear feet of vertical retaining wall will be installed to eliminate the need for side slopes and perpetual vegetative maintenance.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): Although the proposed project will have an ecological benefit to Lake Griffin functions and values associated with wildlife, vegetation, and loss of herbaceous wetland habitat will still occur. The applicant proposes to offset the lost functions by contributing funds to SJRWMD in accordance with section 373.4137, Florida Statute. The project will specifically be mitigated as part of the Western Basin Twelve SWIM Project Group (SJ 38) according to page 16 of the 2007 SJRWMD Senate Bill Plan. More specifically, habitat restoration at the North Shore Lake Apopka Restoration Area at Clay Island and Ranch Road. Work will include ditch filling, road removal and upland buffer enhancement. At least 35 acres of wetlands and buffers will be enhanced to offset wetland impacts.

The applicant has determined the project as proposed will cause the loss of 2.87 functional units. The Corps concurs with the applicant's functional assessment.

9. Evaluation of the 404(b)(1) Guidelines: The proposed project has been reviewed in accordance with the 404 (b)(1) Guidelines. The review shows that all the alternatives have been reviewed and it has been adequately demonstrated that the proposed alternative is the least environmentally damaging and only practicable alternative considering cost, existing technology and logistics. It would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or impact a marine sanctuary. No significant degradation would be expected and all appropriate and practicable steps have been taken to minimize impacts.

10. Public Interest Review:

a. Corps analysis of comments and responses: All comments received in response to the public notice have been considered in the following public interest review.

CESAJ-RD-P (SAJ-2007-3614(IP-AWP))

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings on the Above-Numbered Permit Application.

b. All public interest factors have been reviewed, including but not limited to the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. It has been determined that the proposed work will not adversely impact any of the public interest factors.

c. Describe the relative extent of the public and private need for the proposed structure or work: Public benefits include employment opportunities and a potential increase in the local tax base. Additional benefits include capacity and safety improvements within the project area.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

e. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects associated with implementation of the proposed stormwater pond will provide long term improvements to Lake Griffin. The beneficial effects for public transportation may include an increase in public safety, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. The increased carrying capacity may also facilitate intrastate/interstate commerce.

f. Threatened or Endangered Species: The Corps has information indicating the potential for the threatened eastern indigo snake and the endangered wood stork to be present in the project area. The Corps has determined the proposed project "may affect, but is not like to adversely affect" the wood stork with the inclusion of wetland compensation for the loss of wetland habitat and "may affect, but is not like to adversely affect" the eastern indigo snake with the inclusion of the Standard Protection Measures for the Eastern Indigo Snake in any permit issued. This determination was coordinated with USFWS via letter dated 2 July 2003.

CESAJ-RD-P (SAJ-2007-3614(IP-AWP))
SUBJECT: Department of the Army Environmental Assessment and
Statement of Findings on the Above-Numbered Permit Application.

The USFWS concurred with the Corps determination via letter dated
23 July 2007.

g. Essential Fisheries Habitat (EFH): The public notice included an initial determination that the project would not have an adverse impact on EFH or Federally managed fisheries. The NMFS did not provide any EFH conservation recommendations in response to the public notice. Therefore, the Corps is satisfied that the consultation procedures outlined in 50 CFR Section 600.920 of the regulation to implement the EFH provisions of the Magnuson-Stevens Act have been met.

h. Corps Wetland Policy: The proposed wetland alteration is necessary to realize the project purpose and should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The project would result in a no-net loss of wetland functions and values. Therefore the project is in accordance with the Corps wetland policy.

i. Cumulative and Secondary Impacts: Cumulative and secondary impacts are not anticipated. Filling of wetlands at this project site will facilitate the treatment of untreated stormwater discharging from SR 500 which will provide a net benefit to Lake Griffin. In addition, the applicant will provide compensatory mitigation within the same drainage basin which will not contribute to the overall loss of wetlands within the drainage basin. Filling of wetlands at this project site would not set precedent for additional filling activities in waters of the United States to occur.

Further, the applicant will follow best management practices and erosion control measures during construction which will reduce/eliminate potential secondary impacts.

j. Corps Comments and Responses: No adverse comments were received in response to the proposed project.

11. Determinations:

a. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment.

CESAJ-RD-P (SAJ-2007-3614(IP-AWP))
SUBJECT: Department of the Army Environmental Assessment and
Statement of Findings on the Above-Numbered Permit Application.

Therefore, an Environmental Impact Statement will not be required.

b. Compliance with 404(b)(1) guidelines. Having completed the evaluation in paragraph 7 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Public interest determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

d. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed *de minimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

PREPARED BY:

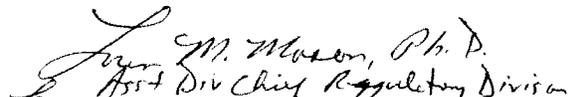


ANDREW PHILLIPS
Project Manager

REVIEWED BY:

for 
LOREN M. MASON
Chief, Special Projects and
Enforcement Branch

APPROVED BY:


PAUL L. GROSSKRÜGER
Colonel, Corps
of Engineers Commanding

CF:
CESAJ-RD-PE